

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Father Arshen Aivazian, St. Paul Armenian Church, gave the invocation, and Cindy Lee of SBC led the Pledge of Allegiance to the Flag.

PROCLAMATION OF REFUGEE AWARENESS MONTH (*Read and proclaimed; re-read and presented later in the meeting*)

PROCLAMATION OF NATIONAL EMPLOYEE HEALTH AND FITNESS DAY - MAYOR AUTRY

PROCLAMATION OF FRESNO HIGH SCHOOL SENIORS DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF SBC, FRESNO COUNTY TRIAD, FRESNO POLICE DAY - COUNCILMEMBER DAGES

(*ADD-ON*) PROCLAMATION OF FRESNO COUNTY SPORTSMEN CLUB - COUNCILMEMBER DUNCAN

The above proclamations were read and presented.

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APPROVE MINUTES OF MAY 13, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of May 13, 2003, approved as submitted.

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COUNCILMEMBER REPORTS AND COMMENTS:

COMMENDATION TO ROOSEVELT HIGH SCHOOL PRINCIPAL FOR REMOVING THE PAGE CONTAINING PETA'S MILK ADVERTISEMENT FROM THE SCHOOL'S YEARBOOK - COUNCILMEMBER DUNCAN

Commendation made with Councilmember Duncan stating it showed leadership and the action had his full support.

COMMENDATION TO: (1) LEROY MILAVICH/PARKS AND RECREATION STAFF FOR SUCCESSFUL VETERANS' RUN; (2) MICHAEL McHATTEN/PARKS AND RECREATION STAFF FOR RESPONSE TO SPRINKLER PROBLEM ON HUNTINGTON BOULEVARD; (3) JET LIM/COMMUNITY SANITATION STAFF FOR GRAFFITI REMOVAL EFFORTS; AND (4) CONVENTION CENTER FOR BOOKING JERRY SEINFELD EVENT - COUNCILMEMBER DAGES

Commendations made.

COMMENDATION TO FRESNO FIRE AND POLICE DEPARTMENTS AND CLOVIS FIRE DEPARTMENT FOR RESPONSE TO UNDER-CONSTRUCTION APARTMENT COMPLEX FIRE AT CEDAR AND BARSTOW AVENUES - ACTING PRESIDENT CASTILLO

Commendation made with Acting President Castillo advising there were no injuries to civilians, the fire could have been much worse, and questioned what, if anything, was in place to require the property owner to clean-up/demolish or start the project over, with City Attorney Montoy and City Manager Hobbs responding. Acting President Castillo requested the city manager place property owner notification on his list of matters to attend to and provide continual updates.

USED CAR SALES AT HEALD COLLEGE PARKING LOT - ACTING PRESIDENT CASTILLO

Upon question of Acting President Castillo, Mr. Hobbs stated he would check to see if Heald College had been notified of the city's recently adopted vehicle sales ordinance.

UPDATE ON LEAGUE OF CALIFORNIA CITIES SPECIAL MEETING OF THE GENERAL ASSEMBLY ON MAY 15, 2003 - COUNCILMEMBER PEREA

Brief update given.

APPROVE AGENDA:

(3-A) REPORT FROM STAFF ON STATUS OF THE BID PROCESS ON THE PUBLIC RELATIONS CONTRACT FOR RECYCLING PROGRAM - ACTING PRESIDENT CASTILLO

At the request of Acting President Castillo and with Council concurrence the matter was set for 3:00 p.m.

(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-03-09 AND ENVIRONMENTAL FINDINGS, FILED BY LAWRENCE PARTNERS, PROPERTY LOCATED ON THE WEST SIDE OF N. CHESTNUT AVENUE (ALIGNMENT) BETWEEN E. COPPER AND N. INTERNATIONAL AVENUES (DISTRICT 6)

1. ADOPT ENVIRONMENTAL ASSESSMENT, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1-C/UGM

(REQUEST BY APPLICANT TO CONTINUE TO JUNE 3, 2003)

Continued as requested.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2003-146 - CONSIDERATION OF CHANGES TO SERVICES AND SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 47

(1-B) APPROVE TEMPORARY BURLINGTON NORTHERN & SANTA FE CONSTRUCTION LICENSE FOR PALM AVENUE BRIDGE REPLACEMENT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE SAME

(1-E) RESOLUTION NO. 2003-147 - AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY FOR THE SANTA FE DEPOT RENOVATION PROJECT, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL REQUIRED GRANT DOCUMENTS AND TAKE FURTHER ACTIONS AS MAY BE NECESSARY TO CARRY OUT THE CITY'S OBLIGATIONS IN ACCORDANCE WITH THE ACCEPTANCE OF THE GRANT

Councilmember Calhoun stated he was very pleased to see progress was being made and hoped to see work being done on the depot one day.

(1-F) RESOLUTION NO. 2003-148 - AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SUBMIT PROPOSALS AND EXECUTE CONTRACTS FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION "SAFE ROUTES TO SCHOOL" PROGRAM

Councilmember Calhoun stated he supported the issue but was disappointed Central Unified did not get involved in the process and requested they be invited to participate if the issue comes up next year.

(1-G) * RESOLUTION NO. 2003-149 - 14TH AMENDMENT TO PAR 2002-217 ADDING TWO (2) POLICE CADET POSITIONS AND DELETING ONE(1) PROGRAMMER/ANALYST POSITION IN THE POLICE DEPARTMENT

(1-H) ADOPT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU UNIT 06), COVERING THE PERIOD JULY 1, 2002, THROUGH JUNE 30, 2004

1. * RESOLUTION NO. 2003-150 - 12TH AMENDMENT TO SALARY RES. 2002-219 REFLECTING THE ADOPTION OF THE SUCCESSOR LABOR AGREEMENT

(1-I) AWARD A CONTRACT TO SMITH CONSTRUCTION OF FRESNO IN THE AMOUNT OF \$171,186 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 47A

(1-J) REJECT ALL BIDS FOR WELL SITE IMPROVEMENTS AT PUMP STATION 13A, 27A, 53, 242 AND 303 SINCE IT SUBSTANTIALLY EXCEEDS THE FUNDS AVAILABLE FOR THE PROJECT, AND DIRECT STAFF TO REBID THE PROJECT

(1-K) * RESOLUTION NO. 2003-151 - 85TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$152,900 IN GRANT FUNDS FROM THE STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO ESTABLISH A PROGRAM TO MONITOR AND REGULATE TIRE FACILITIES IN THE CITY (ILLEGAL TIRE DISPOSAL)

1. * RESOLUTION NO. 2003-152 - 15TH AMENDMENT TO PAR 2002-217 ADDING TWO (2) STAFF POSITIONS IN THE HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT FOR THE PROGRAM

Councilmember Calhoun questioned why California was one of the few states not making a profit off of collecting tires and selling them and requested staff look into the issue so the City does not always have to depend on grants.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 8:59 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF APRIL 29, 2003

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of April 29, 2003, approved as submitted.

(“A”) CONSIDER ACTIONS RELATING TO THE APPROVAL AND ADOPTION OF THE PROPOSED FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PLAN

- 1. JOINT RESOLUTION - CERTIFYING PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 03-01 (WITH ATTACHMENTS OUTLINED AND INCLUDED IN THE STAFF REPORT)**
- 2. AGENCY RESOLUTION - APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL AND AUTHORIZING SUBMISSION TO THE COUNCIL**
- 3. JOINT RESOLUTION - ADOPTING FINDINGS THAT THE USE OF THE 20 PERCENT LOW AND MODERATE INCOME HOUSING SET-ASIDE FUNDS OUTSIDE THE FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT AREA**
- 4. * BILL - ADOPTING THE REDEVELOPMENT PLAN FOR THE FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PROJECT (COUNCIL ACTION)**

Chair Duncan announced the time had arrived to consider the issue, clarified the joint bodies would not be able to take action this date based on State law, and advised there would be a staff presentation and public testimony this date and the hearing would be continued for final action.

Agency Director Fitzpatrick reviewed the issue as contained in the staff report as submitted including the background, process undertaken, recommendation to delete one-third of the land area from the plan (Reduced Boundary “Alternative B”), and issues supporting the RDA project area and plan under State law, and noted testimony would be made this date on the full study area as it was still on the agenda. Chair Duncan commended staff for all their hard work.

Speaking to the issue were: Brian Melikian, Senior Deputy County Counsel, opposed to the plan, who submitted written material containing Fresno County’s objections, copies of which are on file in the office of the City Clerk, reviewed their objections at length (including reading into the record portions of a letter from their outside counsel) **(2 - 0)**, played and narrated a video tape showing both blighted and non-blighted areas in the plan, and submitted the video tape into the record; Marie Munson, Cycle Consulting, on behalf of Fresno County, who spoke to items missing from staff’s “Report to the Council” and requested additional time to work with staff on the plan; Dallas Debatin, 109 N. Glenn, Chair, Lowell-Jefferson Consortium, support for the plan; Roselyn Clark, 3860 E. Rialto, Chair, Fulton-Lowell Specific Plan Implementation Committee, support; and Patience Milrod, 844 N. Van Ness, Tower District resident and business owner, support for staff recommendation (Alternative B).

At this point proceedings were interrupted, the joint bodies recessed their meeting, and the City Council reconvened in regular session at 9:58 a.m.

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PROCLAMATION OF REFUGEE AWARENESS MONTH

Read and presented.

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The City Council reconvened in joint session with the Redevelopment Agency at 10:08 a.m.

Public testimony continued. Michael Clifton, 209 N. Calaveras, Chair, Tower District Design Review Committee, spoke in support of Alternative B **(3 - 0)** and requested the committee’s design guidelines be followed. Chair Duncan advised of the receipt of letters from Bill Kuebler, Chair, Tower District Specific Plan Implementation Committee, and the Law Offices of Central California Legal Services, Inc., and entered them into the record. Continued speakers were: Doug Whipple, Northern California Carpenters Regional Council, 1361 Hulbert, support for the plan; and Barbara Hunt, 2475 S. Walnut, who spoke to the issue and to the legality of the Agency and City Council.

Upon call, no one else wished to be heard and public testimony was concluded.

5/20/03

Mr. _____rd to allow for review of the information entered into and made of the record and to allow staff to review the County's concerns relative to the area south of Klein's Truck Stop/Fruehauf along Golden State planning commission minus the above mentioned properties.

City relative to a comment made by Fresno County clarified the supplemental report was filed with the county on May 19 which met the requirement Redevelopment Law required the Redevelopment Agency to refer that issue ("Alternative B Minus") to the planning commission.

On _____ on the Freeway 99-Golden State Corridor Redevelopment Plan continued to June 3, 2003, at 3:00 p.m., by the following vote:

Ayes	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	None
Absent	None

On motion of Member Calhoun, the planning commission, by the following vote:

Ayes	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	None
Absent	None

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The joint bodies adjourned their meeting at 10:20 a.m. and the City Council reconvened in regular session.

(10:05 A.M.) DISCUSSION, DIRECTION AND ACTION REGARDING THE REQUEST BY SENATOR DEAN FLORES TO ENDORSE THE FOLLOWING STATE SENATE BILLS PERTAINING TO AIR QUALITY - PRESIDENT BOYAJIAN

1. SB 700 - REPEAL OF THE AGRICULTURE EXEMPTION
2. SB 701 - CALIFORNIA CLEAN AIR BOND ACT OF 2004
3. SB 703 - REVOKING DIESEL DEMAND CHARGES
4. SB 704 - AG WASTE AT BIOMASS FACILITIES
5. SB 705 - PROHIBIT BURNING OF AG WASTE IN THE SAN JOAQUIN VALLEY
6. SB 706 - GROSS POLLUTING VEHICLES
7. SB 709 - EXPANDED AUTHORITY OF THE SAN JOAQUIN AIR DISTRICT

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, Item 10:05 a.m. to be heard at this time, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

Senator Dean Flores advised the above bills would be taken up on the Senate floor on Thursday, May 22nd; noted Fresno was the second dirtiest city in the nation and stressed it was important for Council to make an important statement and vote in support of the bills adding it was imperative that he be able to say, when the bills are debated on the Senate floor, that the City of Fresno has taken a position on the issue; introduced Fresno residents and constituents in attendance that would offer testimony this date; and gave an overview of the various bills.

A motion and second to endorse the above entitled bills was made and acted upon after lengthy discussion.

Councilmember Duncan stated the proposed bills were serious bills with some very serious implications; stated he did not feel the seven bills were ready for Council to take a position on as they were a work in progress and explained adding Council needed to wait until they were in final form before taking any action; noted the agricultural industry--the valley's number one employer--had voiced some strong opposition to some of the bills and were trying to offer some changes for a win-win; and reiterated it was premature to discuss the bills in their current form and inappropriate to address this issue at this time. Senator Flores responded throughout and stressed Council's support was needed now and a delayed vote would be moot. Councilmember Calhoun spoke to the process and the need to have a debate on all sides and stated this was a rush to judgement. City Manager Hobbs stated everyone was committed to clean air, encouraged Council to take more time to understand what was in the bills, and requested Council to do its due-diligence and have a debate with both sides prior to taking a position; and stated the Mayor would want to reserve his position until he has had the benefit of listening to the experts and understanding exactly how the bills would work. Councilmember Perea stated there was confusion on the dais and upon question Senator Flores confirmed the bills Council received last Friday were in final form and would be presented on the Senator floor on Thursday.

Speaking in support of the bills and urging Council to endorse them were: Kimberly Williams and son Kerry Williams, chronic asthmatic; and Sophia Hinojosa, who introduced her three children and spoke to the issue and displayed the numerous medications/machines used by her children. Speaking in opposition to the bills and/or to Council taking a position at this time were: Karla Kay Fullerton, 1274 W. Hedges, Executive Director, Fresno County Farm Bureau, Manuel Cunha, Jr., 1775 N. Fine, President, Nisei Farmers League, who spoke to the valley's air district plan and distributed written material, and Debbie Jacobsen, 426 W. Adams, President, Fresno County Farm Bureau. Barbara Hunt, 2475 S. Walnut, spoke in support of the bills.

A visiting 3rd grade class from Mt. View Elementary School was recognized and welcomed.

Continued speakers in support of the bills were: Kevin Hall, no address given **(4 - 0)**; Floyd Judd, 8697 N. Talladecia Way; and Carolina Simunovic, 3256 W. Sample, Fresno Metro Ministry.

Acting President Castillo, Councilmember Dages and Councilmember Sterling all spoke in support of the bills stating it was important for Fresno to send a strong message to Sacramento, the bills were a step in the right direction, and it was important for Council to take an aggressive step and be proactive together whether it was comfortable or not, with Councilmember Sterling elaborating further on the issue and the bills. Councilmember Duncan stated the issue was not improving air quality but *how* to improve it and what was going to work, stated one bill had not even had a committee hearing and reiterated the bills had very good potential but they were a work in progress, and stated the community needed to be sensitive to the needs of the ag industry as they were our neighbors and wanted clean air also.

Councilmember Perea stated Senator Flores' presence this day meant a lot and showed his commitment to cleaning the air, noted the ag industry felt they were being singled and stated that was not true, stated the bills were positive steps forward and this would be a rare chance to both lead and represent the people, and offered an amendment to his motion to include SB 706, whereupon City Attorney Montoy advised the amendment was not permissible as the bill was not listed on the agenda. President Boyajian stated he hated to see farming as the "whipping boy" and he felt urban sprawl, dependency on cars and builders were the big issues, and spoke briefly to the bad air quality and its impact and stated sometimes symbolic and leadership votes needed to be made.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Senate Bills hereby endorsed, by the following vote:

Ayes :	Castillo, Dages, Perea, Sterling, Boyajian
Noes :	Duncan
Absent :	None
Abstain:	Calhoun

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(9:30 A.M.) PRESENTATION AND DISCUSSION OF THE REASON FOUNDATION AND PERFORMANCE INSTITUTE'S "CITIZEN'S BUDGET" AIMED AT IMPROVING THE PERFORMANCE OF GOVERNMENT - COUNCILMEMBERS CALHOUN AND DUNCAN

Councilmember Calhoun stated the State's budget was everyone's issue as it affected everyone and this presentation would show a different thinking about the budgeting process. Councilmember Duncan added the Institute would be sharing a concept for a way of budgeting that was neither republican nor democrat and made good sense for the people of California, and spoke briefly in support of the Institute and their work.

George Passantino gave a lengthy Power Point presentation on the "Citizen's Budget 2003-2005 - A 10 Point Plan to Balance California's Budget and Protect Quality of Life Priorities" **(5 - 0)**. Mr. Passantino was commended for his presentation and he responded briefly to questions of Councilmember Duncan relative to what Sacramento's reaction was to the Citizen's Budget and where Mr. Passantino saw the State going if changes are not made. Councilmember Calhoun commented on the issue and stated he hoped Council would grapple with some of the issues to see how it helps at the local level and explained. No action was necessary/required and there was no further discussion.

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-02-57 AND ENVIRONMENTAL FINDINGS, FILED BY ROBERT WOOD, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. CORNELIA AND W. BULLARD AVENUES (DISTRICT 2)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-57/C-02-219

2. BILL NO. B-41 - ORDINANCE NO. 2003-41 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Allinder gave a brief overview of the issue as contained in the staff report as submitted, advised there was only one inquiry relative to requirement for curbs/gutters, and recommended approval.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, opposed; and developer Robert Wood, who spoke to the project and commitment to area residents and requested Council's support stating this would be a high quality positive amenity for the neighborhood.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Calhoun spoke in support of the in-fill project stating it was a much needed project and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, **RESOLVED**, the Mitigated Negative Declaration for Environmental Assessment No. R-02-57/C-02-219 hereby approved, and the above entitled Bill No. B-41 amending the Official Zone Map to rezone the subject property from AE-5/UGM to R-1/UGM adopted as Ordinance No. 2003-41, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling
Noes	:	Boyajian
Absent	:	None

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(10:20 A.M.) HEARING ON REZONING APPLICATION NO. R-03-004 AND ENVIRONMENTAL FINDINGS, FILED BY ALAN D. PIRIE, PROPERTY LOCATED AT 7045 N. MAPLE AVENUE (DISTRICT 6)

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-04

2. BILL NO. B-42 - ORDINANCE NO. 2003-42 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO C-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck gave a brief overview of the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Alan Pirie, applicant, who requested support; and Barbara Hunt, 2475 S. Walnut, who spoke in opposition.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan spoke briefly in support stating this action would bring the property into compliance with the general plan and made a motion to approve staff's recommendation.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Negative Declaration issued on March 20, 2003, for Environmental Assessment No. R-03-004 hereby approved, and the above entitled Bill No. B-42 rezoning the subject property adopted as Ordinance No. 2003-42, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

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(10:30 A.M.) HEARING TO CONSIDER APPROVAL OF THE REVISED DRAINAGE FEES AS PROPOSED BY THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD)

1. RESOLUTION NO. 2003-153 - AMENDING THE STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN AND THE DRAINAGE FEES AND COSTS FOR EACH LOCAL DRAINAGE AREA FOR ALL DEVELOPMENTS WITHIN THE JOINT AREA OF THE CITY AND THE FMFCD

1. RESOLUTION NO. 2003-154 - 408TH AMENDMENT TO MFS RES. 80-420 MODIFYING DRAINAGE FEES FOR THE FMFCD

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Engineering Services Manager Froberg and Alan Hoffman, Fresno Metropolitan Flood Control District, reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and questioned what the impact would be on southwest Fresno.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-153 and 2003-154 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

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(10: 45 A.M.) PRESENTATION BY STAN McDIVITT, RETIREMENT ADMINISTRATOR, REGARDING IMPENDING CITY PENSION CONTRIBUTION REQUIREMENTS TO THE TWO CITY RETIREMENT SYSTEMS AND RELATED IMPACT TO CITY BUDGETS - COUNCILMEMBER DUNCAN

Councilmember Duncan made opening remarks stating 2006 was going to be “one heck of a year” with the loss of Measure C, the expiration of the water contract with the federal government, and some potentially significant impacts on the City’s general fund with City contributions to the retirement systems which Mr. McDivitt would expand upon. Retirement Administrator McDivitt spoke to and reviewed his report to Council dated April 18, 2003, as submitted and attached to Councilmember Duncan’s report to Council, relative to the results of a special actuarial study projecting the availability of surplus earnings in the retirement systems over the next six actuarial valuations and its’ related impacts. Councilmembers Duncan and Perea commented on the issue and/or presented questions relative to impact on services, need for long-term strategic planning, who would be working on such a plan and if staff was currently working on anything , if there was a need to change the city’s investments, and if the City might be able to get back to previous levels if the economy turns, with City Manager Hobbs and Mr. McDivitt responding throughout and Mr. Hobbs stating strategies would be coming forth with the budget review. There was no further discussion.

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LUNCH RECESS - 12:17 P.M. - 2:04 P.M. Councilmember Sterling arrived shortly into the meeting.

(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-D) RATIFY AGREEMENT WITH CLOVIS UNIFIED SCHOOL DISTRICT REGARDING INSTALLATION AND USE OF HIGH SPEED FIBER OPTIC CABLE AND RELATED INFRASTRUCTURE, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME

Acting President Castillo stated his questions were answered by staff and motioned staff's recommendation.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled agreement with Clovis Unified School District hereby ratified, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Boyajian
 Noes : None
 Absent : Sterling

(1-L) RESOLUTION NO. 2003-155 - AUTHORIZING APPLICATION SUBMISSION AND CONTRACT EXECUTION FOR TRANSIT FUNDS WITH THE U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL TRANSIT ADMINISTRATION (FTA) BY THE TRANSIT GENERAL MANAGER ON BEHALF OF THE CITY

Acting President Castillo stated he felt more funds should be allocated to "passenger amenities/transit enhancements" for the people waiting for buses and explained citing Fresno's adverse weather conditions. Councilmember Sterling arrived at 2:07 p.m. Acting President Castillo continued and presented questions relative to number of bus stops without seating, shelters and trash cans, timeframe for all stops to have those amenities and what could be done to speed up those improvements, and stated shifting dollars around for passenger amenities/transit enhancements should be made a priority, with Transit Manager Rudd and City Manager Hobbs responding and advising of upcoming grants, criteria for amenities, and associated ancillary costs and needs.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-155 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

Gloria Torrez spoke to the large amount of money going to preventive maintenance, questioned if FAX and COG employees were being double-paid, and spoke to the need to readjust the funds, install more shelters/lights, increase frequencies on key lines, and for all monies allotted to FAX to stay with FAX, with Mr. Rudd explaining the costs allocated for FAX staff and COG contracted staff.

(1-C) APPROVE AGREEMENT WITH BROOKS RANSOM ASSOCIATES FOR PROFESSIONAL DESIGN SERVICES FOR THE REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

Public Utilities Director McIntyre and City Manager Hobbs responded to questions of Councilmember Perea relative to the funding source for the new facilities, if some offices would be closed to consolidate, location of offices to be closed, age of the modular offices, and if the funds could be used for things other than infrastructure.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, a professional services agreement with Brooks Ransom Associates in the amount of \$444,172 for preparation of plans and construction documents for various buildings at the City's wastewater treatment plant hereby approved, and the City Manager or designee authorized to execute the same, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

(11:00 A.M.) PRESENTATION OF THE MAYOR'S FISCAL YEAR 2004 BUDGET
 1. SCHEDULE BUDGET HEARING DATES FOR THE FY 2004 BUDGET

Mayor Autry gave an overview of his proposed budget stating the fiscal health of the state and the country weighed in and it reflected the challenges that were brought out in the "Meeting The Challenge" report **(6 - 0)**; spoke to reports/comments relative to lack of Council input into the budget and stated there was tremendous Council input emphasizing nine out of nine Council priorities were included and elaborated; relative to convention center stated privatization was the only option, the health and future of the City was at issue, and the City could not afford the \$6 million drain and explained; and stated he was willing and looked forward to working with Council and urged the budget be kept intact for the City's future.

Lengthy discussion ensued. Councilmember Duncan complimented the Mayor and staff on the budget; stated he was very impressed with his first review of the fee schedule and felt the fees being proposed could be justified; and thanked the Mayor for his commitment to the city's fire stations and for presenting a balanced and sensible budget, with Mayor Autry responding. Councilmember Perea stated he looked forward to working with everyone and passing a budget of substance; stated he liked the youth and senior programs, the money allocated for air quality, and added he was very interested in the \$18.3 million for infrastructure projects and wanted to find out how much was actually inside the neighborhoods; and stated he felt this was going to be a good, civil budget as long as no one played politics and the issues are debated on substance and facts, with Mayor Autry responding. Councilmember Sterling thanked the Mayor for addressing the budget back in January with the 2% across-the-board budget cuts and for the public safety equipment and staffing needs and explained, and stated she looked forward to working with the Mayor in addressing community services organizations' needs, with Mayor Autry responding. Acting President Castillo stated he liked the budget; noted it was based on the privatization of the convention center and acknowledged that was one idea to look at; clarified direction was given to staff in the past to look at the possibility of a joint powers agreement (JPA) that would incorporate the convention center, the Convention & Visitors Bureau (CVB) and the downtown stadium; and directed staff to report back on June 3rd with all options, including the status quo, clarifying he wanted Council to have a menu of choices instead of just privatization. Upon question City Attorney Montoy advised Council could request the city manager to place that issue on the agenda. City Manager Hobbs stated there was a program and strategy on the table right now that was guaranteed to save one million dollars, and Mayor Autry stated he would respectfully refuse Acting President Castillo's "tweak" stating there were no other options, it would be fiscal suicide to continue, and all options had already been researched. Brief discussion ensued on the direction being proposed and ability to give direction this date, the prior direction given to staff to report back, and whether it was proper to discuss this issue at this time. Mayor Autry stated he could not present phantom options that do not exist and explained, and added he was not going to allow his staff to "go gather a bunch of phantom things" and put them before the people as though there were options. President Boyajian thanked the Mayor for including Council's nine priorities in the budget and for his stance on user fees, linkage fees, and economic development; thanked him for his open door policy and working with Council; and acknowledging there would be disagreements stated he felt the City was moving in the right direction. Ms. Montoy clarified once the public hearing commences Council has the authority to seek information from staff so they can make a reasoned decision. Upon question of Acting President Castillo Ms. Montoy confirmed the Mayor could not direct the city manager to not give Council information.

1. SCHEDULE BUDGET HEARING DATES FOR THE FY 2004 BUDGET

Controller Quinto recommended a special meeting be scheduled on May 29th from 1:30 p.m. to 4:30 p.m. to commence budget proceedings and noted a list had been submitted containing the order of departments. Discussion ensued various dates and who would and would not be able to meet on those days, a motion and second was made to start budget hearings/proceedings on June 3rd, and further discussion ensued. Councilmember Perea withdrew his motion for June 3rd and made a motion to schedule a special meeting on May 29th at 1:30 p.m., which motion was seconded and acted upon after further brief discussion.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, **RESOLVED**, a special meeting set for Thursday, May 29, 2003, at 1:30 p.m., for a public hearing on the FY 2004 Budget, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2-A) * RESOLUTION NO. 2003-156 - 84TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$100,000 FOR REIMBURSEMENT TO RISK MANAGEMENT FOR SETTLEMENT OF AN R.J. HILL CLAIM

Public Utilities Director McIntyre gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

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On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-156 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(3-A) REPORT FROM STAFF ON STATUS OF BID PROCESS ON PUBLIC RELATIONS FOR RECYCLING PROGRAM - ACTING PRESIDENT CASTILLO

Acting President Castillo reviewed the background of the issue **(7 - 0)**; noted it had been eight months since staff was directed to rebid the recycling RFP; stated his concern was Council approved utility rate increases based on the argument that if rates were not increased the City would be fined for non-compliance with AB 939; and questioned why the RFP has not been brought back to Council for award and what education campaign has been submitted to the public. Public Utilities M.A. Weimiller, City Manager Hobbs and Assistant City Manager Souza responded to questions of Acting President Castillo and/or clarified issues relative to the background and current status of the project, Panagraph being awarded additional work, what the additional work entailed and if it was approved administratively, if the \$50,000 contract was approved pending the award of the contract which hasn't been awarded yet, and what changed since the RFP was brought to Council eight months ago. Upon question of President Boyajian, Acting President Castillo stated his concern was why it has taken eight months and when staff would be bringing the issue back. Mr. Weimiller stated staff was anticipating bringing the issue back in August, and responded briefly to questions of Councilmember Duncan relative to whether the City was in compliance with AB 939 and if compliance would be up to the citizens. There was no further discussion.

(3-B) DIRECT STAFF TO MODIFY THE TEXT OF ROOSEVELT COMMUNITY PLAN POLICY NO. 1-17.1 AND 1-17.3 AND CHANGE THE COUNCIL DISTRICT BOUNDARIES AS APPROPRIATE - COUNCILMEMBER DAGES

1. DIRECT STAFF AND CITY ATTORNEY TO REVIEW APPOINTMENT PROCESS FOR THE ROOSEVELT COMMUNITY PLAN (RCP) COMMITTEE

Councilmember Dages advised when the council districts were redrawn and District 7 was created part of District 7 was in the Roosevelt Community Plan area; spoke to current committee appointments and clarified how the appointment breakdown should be, as contained in his report to Council; and requested additional language be added to Policies 1-17.1 and 1-17.3 to provide for funding to enhance an open space or recreational area within the RCP area, also as contained in his report to Council, and made a motion to direct staff as outlined above. Upon question of Councilmember Calhoun, City Attorney Montoy advised her office could work on the appointment process issue, stated the boundary issue seemed more like a housekeeping issue, and advised staff could prepare the necessary plan amendment documents and bring them back for Council consideration to initiate the plan amendment and go through the public hearing process.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, (1) staff to work on the appointment and boundary issues, and (2) staff directed to prepare and report back with appropriate plan amendment documents for Council consideration to modify Policy Nos. 1-17.1 and 1-17.3, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

Barbara Hunt, 2475 S. Walnut, spoke to the issue expressing boundary concerns.

(3-C) CONSIDERATION OF ADOPTION OF REVISED CITY COUNCIL ECONOMIC DEVELOPMENT PROPOSAL -

COUNCILMEMBER CALHOUN

1. RESOLUTION NO. 2003-157 - DECLARING AN "UNEMPLOYMENT STATE OF EMERGENCY" IN THE CITY OF FRESNO

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Reviewed by Councilmember Calhoun who noted changes were made and incorporated into the resolution after listening to Council when the issue was last before them; spoke to the serious unemployment problems and resulting negative effects, and declaring a state of emergency and the actions that would go along with that; and gave an overview of the resolution as submitted, stated this was an implementation strategy, recommended the Council President appoint a subcommittee to address the issue for the next 90 days and report back on how to move the city's economic development efforts forward, and made a motion to adopt the resolution.

Councilmember Perea questioned what types of funding or incentives were intended to be asked for from the federal government, with Councilmember Calhoun responding. President Boyajian recommended the resolution be "tweaked" to establish the committee for a certain amount of time such as the housing committee, and questioned if this issue would head in the same direction as the jobs initiative pattern, with Councilmembers Calhoun and Duncan responding. Acting President Castillo stated good information was included in the resolution and volunteered to serve on the committee.

Barbara Hunt, 2475 S. Walnut, spoke to the issue of jobs.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-157 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(6-A-1) APPEARANCE BY JOHN M. CARDOT, WILD, CARTER & TIPTON, REPRESENTING DIAMOND SPORTS BAR AND CASINO, TO DISCUSS AMENDING THE FRESNO MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD TABLES PER CARD ROOM

Mr. Cardot, representing David Chanduloy, advised Mr. Chanduloy agreed to sell his casino assets to Club One, reviewed the terms, noted the Gaming Act required Council approval before any sale or transfer of casino assets, and spoke to the code restriction of no more than 40 tables and requested the code be amended to allow a single casino to have 50 tables. Acting President Castillo stated he wanted to schedule this issue for consideration, with **(8 - 0)** Mr. Cardot and City Attorney Montoy responding and clarifying issues. Acting President Castillo questioned when it would be appropriate to discuss where card room revenues would go, with Ms. Montoy and Assistant City Manager Souza responding. Acting President Castillo clarified he wanted to see revenues earmarked. The matter was set for June 3rd, Mr. Cardot advised he submitted proposed language with respect to the amendment, Ms. Montoy stated her office could prepare the ordinance and have it ready for consideration on the 3rd, and Mr Souza stated staff was aware of all the issues and they would be prepared to speak to them.

Ms. Montoy, Mr. Souza and Mr. Cardot responded to questions of Councilmembers Duncan, Dages and Perea relative to whether anything in the proposed amendment would prohibit another card room from opening up in the future, if the ordinance was being amended to satisfy two people and because a transaction was already made, if more tables would have to be added if in the future another card room wanted to open, if a time line to operate condition could be placed on a cardroom, and what would happen to the tables if Council does not approve the sale. Mr. Cardot clarified the signed agreement by Mr. Chanduloy and Club One was an agreement subject to Council approval. There was no further discussion.

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(6-A-2) APPEARANCE BY IRENE SOTO TO DISCUSS INSTALLATION OF A SIDEWALK BETWEEN HARRISON AND THORNE AVENUES ALONG HERNDON AVENUE

Ms. Soto spoke to the need for a sidewalk stating it was never finished and was a safety issue, with Councilmember Calhoun speaking to the background of the issue, stated this would be an extremely expensive project, advised there was no money budgeted at this

time, and recommended Ms. Soto contact his office staff and/or public works staff for further specifics. There was no further discussion.

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(2:00 P.M. #2) WATER STUDY SESSION

To be rescheduled.

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING CONCERNS WITH REDEVELOPMENT AGENCY BY-LAWS, CITY EMPLOYEES' PENSIONS BEING USED TO PAY CITY BILLS, CHARTER REQUIREMENTS, JOINT POWERS FINANCING AUTHORITIES, AND DOWNTOWN STADIUM ISSUES

Appearance made/no action taken.

RECESS - 4:21 P.M. - 4:30 P.M.

(4) CLOSED SESSION:

(A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY: CENTRAL VALLEY PROJECT (CVP) WATER SUPPLY CONTRACT RENEWAL

CITY NEGOTIATORS: PUBLIC UTILITIES DIRECTOR, CONTRACT COUNSEL (HATCH & PARENT), CITY ATTORNEY

NEGOTIATING PARTIES: BUREAU OF RECLAMATION (DEPARTMENT OF INTERIOR, U.S. GOVERNMENT)

UNDER NEGOTIATION: LONG-TERM WATER SUPPLY CONTRACT FROM CVP

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: MEDICAL ADVOCATES FOR HEALTHY AIR V. CITY OF FRESNO, FRESNO CITY COUNCIL

The City Council met in closed session at the hour of 4:30 p.m. in Room 2125 to consider the above issues and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:25 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 3rd day of June, 2003.

_____/s/_____
Tom Boyajian, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

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